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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 JAMES D. GRIEPSMA,

11 v.
12 Plaintiff,

13 CHARLIE WEND, et al.,

14 Defendants.

15 CASE NO. C16-1843-JLR-MAT

16 ORDER DENYING MOTION FOR
17 APPOINTMENT OF COUNSEL

18 Plaintiff, who proceeds *pro se* and *in forma pauperis* (IFP) in this 42 U.S.C. § 1983 case,
19 filed a Motion for Appointment of Counsel. (Dkt. 48.) Defendants oppose plaintiff's motion.
20 (Dkt. 49.) Now, having considered the motion, the opposition, and the remainder of the record,
21 the Court finds and concludes as follows:

22 (1) In support of his request for appointment of counsel, plaintiff notes he does not
23 have a law degree and indicates his desire for representation "by someone with adequate
experience who understands the Rules of Evidence, Court Rules and Jury Instructions." (Dkt. 48.)
Defendants note plaintiff is no longer in custody, does not show he has made any effort to find an
attorney to represent him, and does not assert his claim is factually complex. Defendants maintain

1 plaintiff's complaint "borders on being malicious" and that his claims are subject to dismissal for
2 a number of reasons, and point to their multiple pending and planned motions for summary
3 judgment. (Dkt. 49 at 2-3; *see also* Dkts. 15, 38, 50.)

4 There is no right to have counsel appointed in cases brought under § 1983. Although the
5 Court, under 28 U.S.C. § 1915(e)(1), can request counsel to represent a party proceeding IFP, it
6 may do so only upon a showing of exceptional circumstances. *Wilborn v. Escalderon*, 789 F.2d
7 1328, 1331 (9th Cir. 1986). A finding of exceptional circumstances requires an evaluation of both
8 the likelihood of success on the merits and the ability of the individual to articulate his claims *pro
se* in light of the complexity of the legal issues involved. *Id.*

10 In this case, plaintiff has not demonstrated a likelihood of success on the merits or shown
11 that, in light of the complexity of the legal issues involved, he is unable to articulate his claims *pro
se*. Accordingly, plaintiff's request for the appointment of counsel (Dkt. 48) is DENIED.

13 (2) The Clerk is directed to send a copy of this Order to the parties and to the Honorable
14 James L. Robart.

15 DATED this 17th day of May, 2017.

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18 Mary Alice Theiler
19 United States Magistrate Judge
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